

# **Exhibit E**

---

**From:** Rifkin, Mark <rifkin@whafh.com>  
**Sent:** Saturday, February 13, 2021 9:09 PM  
**To:** Lowery, Michelle; Samuel Stuckey  
**Cc:** Sacripanti, Peter John; Rodd, Elizabeth; Calandra, John; Castle, Nicole; steve@hbsslaw.com; robl@hbsslaw.com; shanas@hbsslaw.com; bens@hbsslaw.com; tedw@hbsslaw.com; benh@hbsslaw.com; Byrd, Rachele; Guiney, Matthew; DeJong, Brittany; Manifold, Betsy; Gregorek, Frank; Epic Mobile Apps; Wes Earnhardt; Vanessa Lavelly; paul.riehle@faegredrinker.com; Adler, Matthew J.; bdiessel@wiggin.com; Hoff, Robert; ndenning@wiggin.com; Jay P. Srinivasan; Harry Phillips  
**Subject:** Re: Apple Mobile Apps Litigation -- Third-Party Deposition Scheduling

External (rifkin@whafh.com)

[Report This Email](#) [FAQ](#)

I am available. Thanks.

Mark C. Rifkin | Wolf Haldenstein Adler Freeman & Herz LLP | 270 Madison Avenue, New York, NY 10016

firm: 212.545.4600 | direct: 212.545.4762 | fax: 212.545.4653 | rifkin@whafh.com<mailto:rifkin@whafh.com>

---

From: Lowery, Michelle <Mslowery@mwe.com>  
Sent: Saturday, February 13, 2021 8:54 PM  
To: Samuel Stuckey  
Cc: Sacripanti, Peter John; Rodd, Elizabeth; Calandra, John; Castle, Nicole; steve@hbsslaw.com; robl@hbsslaw.com; shanas@hbsslaw.com; bens@hbsslaw.com; tedw@hbsslaw.com; benh@hbsslaw.com; Rifkin, Mark; Byrd, Rachele; Guiney, Matthew; DeJong, Brittany; Manifold, Betsy; Gregorek, Frank; Epic Mobile Apps; Wes Earnhardt; Vanessa Lavelly; paul.riehle@faegredrinker.com; Adler, Matthew J.; bdiessel@wiggin.com; Hoff, Robert; Denning, Nathan E.; Jay P. Srinivasan; Harry Phillips  
Subject: Re: Apple Mobile Apps Litigation -- Third-Party Deposition Scheduling

Sam,

That works for us.

Michelle

MICHELLE S. LOWERY

Partner

McDermott Will & Emery LLP 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Tel +1 310 551 9309 | Email mslowery@mwe.com<mailto:mslowery@mwe.com>

Biography<<https://www.mwe.com/people/lowery-michelle-s/>> | Website<<http://www.mwe.com>> |

vCard<<https://dynasend.com/signatures/vcard/mslowery-at-mwe.com.vcf>> |

Twitter<<https://www.twitter.com/McDermottLaw>> | LinkedIn<<http://www.linkedin.com/in/michelletaylonlowery/>> |

Blog<<http://www.antitrustalert.com/>>

On Feb 13, 2021, at 3:49 PM, Samuel Stuckey <sstuckey@cravath.com> wrote:

[ External Email ]  
Michelle,

Our team is available to meet and confer regarding this issue tomorrow at noon EST. Does that work for Apple?

Regards,  
Sam

Samuel A. Stuckey  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1302

From: Lowery, Michelle <Mslowery@mwe.com>  
Sent: Saturday, February 13, 2021 11:50 AM  
To: Samuel Stuckey <sstuckey@cravath.com>  
Cc: Sacripanti, Peter John <psacripanti@mwe.com>; Rodd, Elizabeth <Erodd@mwe.com>; Calandra, John <jcalandra@mwe.com>; Castle, Nicole <NCastle@mwe.com>; steve@hbsslaw.com; robl@hbsslaw.com; shanas@hbsslaw.com; bens@hbsslaw.com; tedw@hbsslaw.com; benh@hbsslaw.com; rifkin@whafh.com; byrd@whafh.com; guiney@whafh.com; dejong@whafh.com; manifold@whafh.com; gregorek@whafh.com; Epic Mobile Apps <epic-mobileapps@cravath.com>; Wes Earnhardt <WEarnhardt@cravath.com>; Vanessa Lavelly <VLavelly@cravath.com>; paul.riehle@faegredrinker.com; Adler, Matthew J. <matthew.adler@faegredrinker.com>; bdiessel@wiggin.com; Hoff, Robert <RHoff@wiggin.com>; Denning, Nathan E. <NDenning@wiggin.com>; Jay P. Srinivasan <JSrinivasan@gibsondunn.com>; Harry Phillips <HPhillips2@gibsondunn.com>  
Subject: Re: Apple Mobile Apps Litigation -- Third-Party Deposition Scheduling

Sam,

Apple cannot agree to allow the Spotify deposition to take place after the discovery cutoff of February 15. Apple recommended the parties agree to additional time to take third party depositions, but Epic refused. Apple was forced to go forward with the Nvidia deposition with only 24 hours notice of witness availability and even less time between the document production and the deposition just to make sure the deposition occurred before February 15.

Happy to discuss further.

Thanks,

Michelle

MICHELLE S. LOWERY  
Partner

McDermott Will & Emery LLP 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Tel +1 310 551 9309 | Email mslowery@mwe.com<mailto:mslowery@mwe.com>

Biography<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.mwe.com\\_people\\_lowery-2Dmichelle-2Ds\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=R1mvJhE0oQabw-Y-Ow5QJePLWAKq9Ofj5gFMymdKiZA&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mwe.com_people_lowery-2Dmichelle-2Ds_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=R1mvJhE0oQabw-Y-Ow5QJePLWAKq9Ofj5gFMymdKiZA&e=>) | Website<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=DvD754BNPzjKd0ilCuisj7mmrqF82\\_K88yvW07uQpXw&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=DvD754BNPzjKd0ilCuisj7mmrqF82_K88yvW07uQpXw&e=>) | vCard<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_dynasend.com\\_signatures\\_vcard\\_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=S7CKAgX0wYmug7LHRj3w6HXVY5zjaMUKbFBiWkqnOmc&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_dynasend.com_signatures_vcard_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=S7CKAgX0wYmug7LHRj3w6HXVY5zjaMUKbFBiWkqnOmc&e=>) | Twitter<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.twitter.com\\_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=BEYZXxUcrXaDTeTL8K3UwgXsF6mYbjBCTHxTHWfvwFs&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.twitter.com_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=BEYZXxUcrXaDTeTL8K3UwgXsF6mYbjBCTHxTHWfvwFs&e=>) | LinkedIn<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.linkedin.com\\_in\\_michelletaylonlowery\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=70FqdbW9ZV-5pRNY0LUaCUTBu\\_Z0yChR2xpSLmkk2BA&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.linkedin.com_in_michelletaylonlowery_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=70FqdbW9ZV-5pRNY0LUaCUTBu_Z0yChR2xpSLmkk2BA&e=>) | Blog<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.antitrustalert.com\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=QOAmMc0yINpnBb-3RixBwvc0OLjByo8yIYeIEZI9PYM&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.antitrustalert.com_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=QOAmMc0yINpnBb-3RixBwvc0OLjByo8yIYeIEZI9PYM&e=>)

On Feb 12, 2021, at 6:22 PM, Samuel Stuckey <[ssuckey@cravath.com](mailto:ssuckey@cravath.com)<<mailto:ssuckey@cravath.com>>> wrote:

[ External Email ]

Michelle,

Just following up – is this proposal acceptable to Apple?

Thanks,

Sam

Samuel A. Stuckey  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1302

From: Lowery, Michelle <[Mslowery@mwe.com](mailto:Mslowery@mwe.com)<<mailto:Mslowery@mwe.com>>>

Sent: Friday, February 12, 2021 1:00 PM

To: Samuel Stuckey <[ssuckey@cravath.com](mailto:ssuckey@cravath.com)<<mailto:ssuckey@cravath.com>>>

Cc: Sacripanti, Peter John <[psacripanti@mwe.com](mailto:psacripanti@mwe.com)<<mailto:psacripanti@mwe.com>>>; Rodd, Elizabeth <[Erodd@mwe.com](mailto:Erodd@mwe.com)<<mailto:Erodd@mwe.com>>>; Calandra, John <[jcalandra@mwe.com](mailto:jcalandra@mwe.com)<<mailto:jcalandra@mwe.com>>>; Castle, Nicole <[NCastle@mwe.com](mailto:NCastle@mwe.com)<<mailto:NCastle@mwe.com>>>; steve@hbsslaw.com<<mailto:steve@hbsslaw.com>>; robl@hbsslaw.com<<mailto:robl@hbsslaw.com>>; shanas@hbsslaw.com<<mailto:shanas@hbsslaw.com>>; bens@hbsslaw.com<<mailto:bens@hbsslaw.com>>; tedw@hbsslaw.com<<mailto:tedw@hbsslaw.com>>; benh@hbsslaw.com<<mailto:benh@hbsslaw.com>>; rifkin@whafh.com<<mailto:rifkin@whafh.com>>; byrd@whafh.com<<mailto:byrd@whafh.com>>; guiney@whafh.com<<mailto:guiney@whafh.com>>; dejong@whafh.com<<mailto:dejong@whafh.com>>; manifold@whafh.com<<mailto:manifold@whafh.com>>; gregorek@whafh.com<<mailto:gregorek@whafh.com>>; Epic Mobile Apps <[epic-mobileapps@cravath.com](mailto:epic-mobileapps@cravath.com)<<mailto:epic-mobileapps@cravath.com>>>; Wes Earnhardt <[WEarnhardt@cravath.com](mailto:WEarnhardt@cravath.com)<<mailto:WEarnhardt@cravath.com>>>; Vanessa Lavelly <[VLavelly@cravath.com](mailto:VLavelly@cravath.com)<<mailto:VLavelly@cravath.com>>>;

paul.riehle@faegredrinker.com<mailto:paul.riehle@faegredrinker.com>; Adler, Matthew J.  
<matthew.adler@faegredrinker.com<mailto:matthew.adler@faegredrinker.com>>;  
bdiessel@wiggin.com<mailto:bdiessel@wiggin.com>; Hoff, Robert <RHoff@wiggin.com<mailto:RHoff@wiggin.com>>;  
Denning, Nathan E. <NDenning@wiggin.com<mailto:NDenning@wiggin.com>>  
Subject: Re: Apple Mobile Apps Litigation -- Third-Party Deposition Scheduling

Sam,

This is the first we are hearing of the 4 hour limit—we have not had any discussion about any time limits with Spotify, but we will get back to you on your proposal.

Thanks,

Michelle  
MICHELLE S. LOWERY  
Partner

McDermott Will & Emery LLP 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Tel +1 310 551 9309 | Email mslowery@mwe.com<mailto:mslowery@mwe.com>

Biography<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.mwe.com\\_people\\_lowery-2Dmichelle-2Ds\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=EdJ5Uz4LsTMrmT9ZApvuTpJQ96h8cu8fVTA5Pvdh27o&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mwe.com_people_lowery-2Dmichelle-2Ds_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=EdJ5Uz4LsTMrmT9ZApvuTpJQ96h8cu8fVTA5Pvdh27o&e=>) |  
Website<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=TyGaSwntfD\\_SdKWGXGdbpzB44n\\_OiM7neBC1usH94r0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=TyGaSwntfD_SdKWGXGdbpzB44n_OiM7neBC1usH94r0&e=>) |  
vCard<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_dynasend.com\\_signatures\\_vcard\\_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=6wrQNi-VJ30mCHv9ZTorMwM4jAEclQHgOYFaEGw99Fg&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_dynasend.com_signatures_vcard_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=6wrQNi-VJ30mCHv9ZTorMwM4jAEclQHgOYFaEGw99Fg&e=>) | Twitter<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.twitter.com\\_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=PJ5yoGpoVsR6ja5Q2\\_nuAg0lI9TqAtPRcjburF3e\\_tk&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.twitter.com_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=PJ5yoGpoVsR6ja5Q2_nuAg0lI9TqAtPRcjburF3e_tk&e=>) |  
LinkedIn<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.linkedin.com\\_in\\_michelletaylonlowery\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=Su1pirrUQhXq56aZgCmJtKnhgYIZx4F5gZZ53-UbwkU&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.linkedin.com_in_michelletaylonlowery_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=Su1pirrUQhXq56aZgCmJtKnhgYIZx4F5gZZ53-UbwkU&e=>) |  
Blog<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.antitrustalert.com\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=WI83OXHYbAOfg\\_-N4CT0JRxi0dWUT42K3G4ro7iitH8&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.antitrustalert.com_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=WI83OXHYbAOfg_-N4CT0JRxi0dWUT42K3G4ro7iitH8&e=>)

On Feb 12, 2021, at 9:29 AM, Samuel Stuckey <sstuckey@cravath.com<mailto:ssstuckey@cravath.com>> wrote:  
[ External Email ]  
Apple Counsel:

As we previously informed you, we have been negotiating with Spotify to secure a witness prior to the February 15 discovery cutoff in this action. Despite Spotify's best efforts, we understand that it is unable to make a witness available prior to February 15. Spotify has informed us, however, that it has secured availability from the appropriate witness, a busy senior executive, from 9am-1pm EST on February 19. Spotify has also informed us that Apple has agreed to limit the total deposition time to 4 hours on the record.

In light of the witness's limited availability, Epic is prepared to proceed with a remote deposition on February 19. Please let us know if this proposal is acceptable to Apple.

Regards,  
Sam

From: Samuel Stuckey <sstuckey@cravath.com<mailto:sstuckey@cravath.com>>  
Sent: Sunday, February 7, 2021 6:03 PM  
To: tboutrous@gibsondunn.com<mailto:tboutrous@gibsondunn.com>;  
rdoren@gibsondunn.com<mailto:rdoren@gibsondunn.com>;  
dswanson@gibsondunn.com<mailto:dswanson@gibsondunn.com>;  
mperry@gibsondunn.com<mailto:mperry@gibsondunn.com>;  
vlewis@gibsondunn.com<mailto:vlewis@gibsondunn.com>;  
crichman@gibsondunn.com<mailto:crichman@gibsondunn.com>;  
jsrinivasan@gibsondunn.com<mailto:jsrinivasan@gibsondunn.com>;  
edettmer@gibsondunn.com<mailto:edettmer@gibsondunn.com>;  
elazarus@gibsondunn.com<mailto:elazarus@gibsondunn.com>;  
hphillips2@gibsondunn.com<mailto:hphillips2@gibsondunn.com>; wstute@orrick.com<mailto:wstute@orrick.com>;  
jrosenkranz@orrick.com<mailto:jrosenkranz@orrick.com>; psacripanti@mwe.com<mailto:psacripanti@mwe.com>;  
erodd@mwe.com<mailto:erodd@mwe.com>; jcalandra@mwe.com<mailto:jcalandra@mwe.com>;  
mslowery@mwe.com<mailto:mslowery@mwe.com>; ncastle@mwe.com<mailto:ncastle@mwe.com>;  
apletcher@omm.com<mailto:apletcher@omm.com>; deberhart@omm.com<mailto:deberhart@omm.com>;  
ezarabozo@omm.com<mailto:ezarabozo@omm.com>; eschlom@omm.com<mailto:eschlom@omm.com>;  
krobson@omm.com<mailto:krobson@omm.com>; sschaeffer@omm.com<mailto:sschaeffer@omm.com>;  
steve@hbsslaw.com<mailto:steve@hbsslaw.com>; robl@hbsslaw.com<mailto:robl@hbsslaw.com>;  
shanas@hbsslaw.com<mailto:shanas@hbsslaw.com>; bens@hbsslaw.com<mailto:bens@hbsslaw.com>;  
tedw@hbsslaw.com<mailto:tedw@hbsslaw.com>; benh@hbsslaw.com<mailto:benh@hbsslaw.com>;  
rifkin@whafh.com<mailto:rifkin@whafh.com>; byrd@whafh.com<mailto:byrd@whafh.com>;  
guiney@whafh.com<mailto:guiney@whafh.com>; dejong@whafh.com<mailto:dejong@whafh.com>;  
manifold@whafh.com<mailto:manifold@whafh.com>; gregorek@whafh.com<mailto:gregorek@whafh.com>;  
karen.lent@skadden.com<mailto:karen.lent@skadden.com>  
Cc: Epic Mobile Apps <epic-mobileapps@cravath.com<mailto:epic-mobileapps@cravath.com>>; Wes Earnhardt  
<WEarnhardt@cravath.com<mailto:WEarnhardt@cravath.com>>; Vanessa Lavelly  
<VLavelly@cravath.com<mailto:VLavelly@cravath.com>>;  
paul.riehle@faegredrinker.com<mailto:paul.riehle@faegredrinker.com>; Adler, Matthew J.  
<matthew.adler@faegredrinker.com<mailto:matthew.adler@faegredrinker.com>>;  
bdiessel@wiggin.com<mailto:bdiessel@wiggin.com>; 'Hoff, Robert' <RHoff@wiggin.com<mailto:RHoff@wiggin.com>>;  
Denning, Nathan E. <NDenning@wiggin.com<mailto:NDenning@wiggin.com>>  
Subject: Apple Mobile Apps Litigation -- Third-Party Deposition Scheduling

Counsel,

As you know, Match Group has agreed to make its designee available for deposition on February 15th at 9:00 AM CST. We intend to proceed with the deposition then. Please find attached an amended notice of deposition subpoenas for Match Group and its designee, which we intend to serve tomorrow.

We are continuing to negotiate with Amazon and Spotify to secure deposition availability before February 15th, but do not intend to proceed with those depositions on February 8th, as originally noticed.

Apple has noticed Nvidia and Sony for February 12th depositions. Has Apple confirmed that Nvidia and Sony will make witnesses available on that date?

We have the following production volumes from these third parties: MATCH-VOL001; SONY-EPvAPP001; SONY-EPvAPP002; SONY-EPvAPP003. If Apple has received additional productions from these third parties, please provide them to us promptly.

Regards,  
Sam

Samuel A. Stuckey  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1302

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

MICHELLE S. LOWERY  
Partner

McDermott Will & Emery LLP 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Tel +1 310 551 9309 | Email [mslowery@mwe.com](mailto:mslowery@mwe.com)<<mailto:mslowery@mwe.com>>

Biography<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.mwe.com\\_people\\_lowery-2Dmichelle-2Ds\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=EdJ5Uz4LsTMrmT9ZApvuTpJQ96h8cu8fVTA5Pvdh27o&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mwe.com_people_lowery-2Dmichelle-2Ds_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=EdJ5Uz4LsTMrmT9ZApvuTpJQ96h8cu8fVTA5Pvdh27o&e=>) | Website<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=TyGaSwntfD\\_SdKWxGdbpbzB44n\\_OiM7neBC1usH94r0&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=TyGaSwntfD_SdKWxGdbpbzB44n_OiM7neBC1usH94r0&e=>) | vCard<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_dynasend.com\\_signatures\\_vcard\\_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=6wrQNi-VJ30mCHv9ZTorMwM4jAEclQHg0YFaEGw99Fg&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_dynasend.com_signatures_vcard_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=6wrQNi-VJ30mCHv9ZTorMwM4jAEclQHg0YFaEGw99Fg&e=>) | Twitter<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.twitter.com\\_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=PJ5yoGpoVsR6ja5Q2\\_nuAg0II9TqAtPRcjburF3e\\_tk&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.twitter.com_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=PJ5yoGpoVsR6ja5Q2_nuAg0II9TqAtPRcjburF3e_tk&e=>) | LinkedIn<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.linkedin.com\\_in\\_michelletaylonlowery\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=Su1pirrUQhXq56aZgCmJtKnhgYlZx4F5gZZ53-UbwkU&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.linkedin.com_in_michelletaylonlowery_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=Su1pirrUQhXq56aZgCmJtKnhgYlZx4F5gZZ53-UbwkU&e=>) | Blog<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.antitrustalert.com\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.antitrustalert.com_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfhO2MsETuilANwJ-)



[9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=WI83OXHYbAOfg\\_-N4CT0JRxi0dWUT42K3G4ro7iitH8&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mwe.com_en_general-2Dcontent-2Dfolder_privacy-2Dpolicy&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfH02MsETuIAnWJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=WI83OXHYbAOfg_-N4CT0JRxi0dWUT42K3G4ro7iitH8&e=>)

\*\*\*\*\*  
\*\*\*\*\*

This message is a PRIVATE communication. This message and all attachments are a private communication sent by a law firm and may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Our Privacy Policy<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.mwe.com\\_en\\_general-2Dcontent-2Dfolder\\_privacy-2Dpolicy&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfH02MsETuIAnWJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=WVfefWSnK7EBhNAXAvnL5zzTedsGT9hBKK0VBRLVjZM&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mwe.com_en_general-2Dcontent-2Dfolder_privacy-2Dpolicy&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=mqmlZEAfH02MsETuIAnWJ-9C5IoI98P7uL-9p7keH4&m=O-Vp3yRtTydAlq30WCFI5LSZWii2cqG5soLh90AOkDM&s=WVfefWSnK7EBhNAXAvnL5zzTedsGT9hBKK0VBRLVjZM&e=>)> explains how we may use your personal information or data and any personal information or data provided or made available to us. Thank you.

\*\*\*\*\*  
\*\*\*\*\*

Please visit [http://www.mwe.com/<https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.mwe.com\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=LXHNC735WdgaMTIOGM9I\\_6Nc-52lpFLNS56SiP5DmEI&e=>](http://www.mwe.com/<https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mwe.com_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=LXHNC735WdgaMTIOGM9I_6Nc-52lpFLNS56SiP5DmEI&e=>) for more information about our Firm.

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

MICHELLE S. LOWERY  
Partner

McDermott Will & Emery LLP 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Tel +1 310 551 9309 | Email [mslowery@mwe.com](mailto:mslowery@mwe.com)<<mailto:mslowery@mwe.com>>

Biography<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.mwe.com\\_people\\_lowery-2Dmichelle-2Ds\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=R1mvJhE0oQabw-Y-Ow5QJePLWAKq9Ofj5gFMydmKiZA&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.mwe.com_people_lowery-2Dmichelle-2Ds_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=R1mvJhE0oQabw-Y-Ow5QJePLWAKq9Ofj5gFMydmKiZA&e=>) | Website<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=DvD754BNPzjKd0ilCuisj7mmrqF82\\_K88yvW07uQpXw&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.mwe.com&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=DvD754BNPzjKd0ilCuisj7mmrqF82_K88yvW07uQpXw&e=>) | vCard<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_dynasend.com\\_signatures\\_vcard\\_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=S7CKAgX0wYmug7LHRj3w6HXVY5zjaMUKbFiWkqnOmc&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_dynasend.com_signatures_vcard_mslowery-2Dat-2Dmwe.com.vcf&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=S7CKAgX0wYmug7LHRj3w6HXVY5zjaMUKbFiWkqnOmc&e=>) | Twitter<[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.twitter.com\\_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=BEYZXxUcrXaDTeTL8K3UwgXsF6mybJBctHXtHWfvwFs&e=>](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.twitter.com_McDermottLaw&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=BEYZXxUcrXaDTeTL8K3UwgXsF6mybJBctHXtHWfvwFs&e=>) | LinkedIn<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.linkedin.com\\_in\\_michelletaylonlowery\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwC](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.linkedin.com_in_michelletaylonlowery_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwC)



[nF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=70FqdbW9ZV-5pRNY0LUaCUTBu\\_Z0yChR2xpSLmkk2BA&e=>](https://www.antitrustalert.com/?d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=70FqdbW9ZV-5pRNY0LUaCUTBu_Z0yChR2xpSLmkk2BA&e=>) | Blog<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.antitrustalert.com\\_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7\\_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=QOAmMc0yINpnBb-3RixBwvc0OLjByo8yIYeIEZi9PYM&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.antitrustalert.com_&d=DwMGaQ&c=Wsd864M3Q2YSkqcumha68w&r=zsTxtSwy5taNwCnF1Ro3y8grq2Cu7_bIEMDiPhV1FKo&m=EtLJLHAWDdfsS0otrS8Co7o6hv8QibGLBWMKueOVjrw&s=QOAmMc0yINpnBb-3RixBwvc0OLjByo8yIYeIEZi9PYM&e=>)>

---

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.

MICHELLE S. LOWERY

Partner

McDermott Will & Emery LLP 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206

Tel +1 310 551 9309 | Email [mslowery@mwe.com](mailto:mslowery@mwe.com)<<mailto:mslowery@mwe.com>>

Biography<<https://www.mwe.com/people/lowery-michelle-s/>> | Website<<http://www.mwe.com>> |

vCard<<https://dynasend.com/signatures/vcard/mslowery-at-mwe.com.vcf>> |

Twitter<<https://www.twitter.com/McDermottLaw>> | LinkedIn<<http://www.linkedin.com/in/michelletaylonlowery/>> |

Blog<<http://www.antitrustalert.com/>>